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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/593,539	09/19/2006	Tasuku Teshirogi	06550/LH	4913	
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220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			GALT, CASSI J		
			ART UNIT	PAPER NUMBER	
			3662		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/593,539	TESHIROGI ET AL.		
Examiner	Art Unit		
CASSI GALT	3662		

The MAILWIN DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 06 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely life one of the following replies: (1) an amendment, affidavit, or other evidence, which places have been continued Examination (RCE) on compliance with 37 CFR 1.116. The reply must be filed within one of the following time periods:		CASSI GALT	3662					
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itemly file one of the following replies: (1) an amendment, affidiaty, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  (a) ☑ The period for reply expires ② months from the mailing date of the final rejection.  (b) ☐ The period for reply expires ② months from the mailing date of the final rejection.  (c) Examiner Note: If box 1 is chacked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM, REJECTION. See MPEP 706.07(f).  (Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nother 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortered statutory period for reply originally set in the final Office action. (2) as many reduce any exame patient term adjustment. See 37 CFR 1.74(b).  NOTICE OF APPEAL.  (3) ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of ling the Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a).  (a) ☐ The Notice of Appeal (a) CFR 4.137(a), or any extension thereof (37 CFR 4.13.7(e)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.13.37(a).  (b) ☐ The yraise the issues that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or (c)	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires on: (1) the mailing date of this Advisory Acition, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: (If bot is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHAT INTELEMENT REPLY VARS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHAT INTELEMENT REPLY VARS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHAT INTELEMENT REPLY VARS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHAT PITTIES (b) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed it is the date of purposes of determining the period of extension fee have been filed it is the date of purposes of the period of the filed feel of the filed within the time period set forth in 37 CFR 41.37(e), it as avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37	THE REPLY FILED <u>06 April 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
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b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the date of purposes of determining the period of or(f).  Extensions of time may be obtained under 37 CPR 1.136(a). The date on which the petition under 37 CPR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Amy reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Amy reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0.00 page 1.00 page 1.	<u></u>	of the final rejection.						
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70.0.7	/Thomas H. Tarcza/	/C. G./						

## **Continuation Sheet (PTO-303)**

Application No.

Regarding Applicant's argument that the oscillation unit of Puglia differs from the present claimed invention in that it inherently continuously generates oscillations and thus causes carrier leakage, Examiner respectfully disagrees. Applicant has not provided and Examiner cannot find support in Puglia for Applicant's assertion that the oscillator inherently continuously generates oscillations. Puglia is largely silent regarding the properties of the oscillator, teaching only that "[t]he pulse oscillator 106 is responsive to the "on" pulse by providing a first signal for the time that the "on" pulse is active, i.e., for the predetermined pulsewidth" (3:42-45).

Regarding the Bosch reference figures and text, Examiner finds that the structure of Bosch's UWB system is different from Puglia's. Bosch teaches an oscillator that indeed appears to continuously generate oscillations. The oscillator signal is provided to the transmit antenna via an "HF Modulation switch TX". Puglia does not teach such a structure, and Examiner therefore finds no reason to believe that Puglia's system necessarily suffers the same leakage as Bosch's system.

Regarding Applicant's argument that Puglia cannot be modified in view of other cited prior art references to prevent such carrier leakage, Examiner respectfully disagrees. With Puglia largely silent regarding the properties of the oscillator, Examiner asserts that an oscillator of some sort must be provided, and that oscillators with the claimed properties are known in the art. In particular, in the final rejection dated 1/5/2009, Examiner set forth that Anderson (US 5,146,613) teaches an oscillator with the properties set forth in claims 21 and 22, and Khanna (US 4,733,199) teaches an oscillator with the properties set forth in claims 23 and 24.

Regarding Applicant's argument that Anderson does not teach or suggest that the switch sets the oscillator 20 in an oscillation state only in a period in which the pulse signal output from the pulse generator is received, but rather, the oscillator 20 is continually operating irrespective of receipt of a pulse signal from the pulse generator, and only its output is toggled based on the position of the switch, Applicant has not provided and Examiner cannot find support in Anderson for this assertion. Rather, Examiner finds that Anderson teaches the contrary: "data source 28, when connected to the inverting amplifier 22 by the switch 30, produces pulse width modulated voltage pulses corresponding to data to be transmitted and thus turns the oscillator 20 on and off in accordance with the voltage pulses to generate bursts of RF oscillation" (2:48-53).

Regarding Applicant's argument that Khanna describes that signals from dielectric resonator oscillators leak through the switch to create unwanted spurious signals in the output (column 1, line 67 to column 2, line 2), Examiner would like to point out that Khanna is here referring to a problem with prior art oscillators. Khanna's oscillator, on the other hand, is designed to overcome this problem, as described at 2:52-60: "The switchable, multi-freudency, parallel-feedback, dielectric-resonator oscillator of the present invention offers several advantages over prior art multiple frequency oscillators. First, there are no spurious, unselected frequencies in the output signal because the non-selected dielectric resonators are passive components which do not themselves oscillate. Only when a dielectric resonator is selectively coupled to the amplifier through the switch is a signal generated."

Regarding Applicant's argument that Khanna describes that when a dielectric resonator is selectively coupled to the amplifier through the switch, a signal is generated (column 2, lines 58-60) and an amplifier is always turned on to cause signals to be generated upon selection of one of the dielectric responators (column 2, line 67 to column 3, line 2), Examiner is unclear regarded the relevance of this teaching. Claims 23 and 24 require only "a switch circuit which sets the oscillation unit in an oscillation state only in a period in which the pulse signal output from the pulse generator is received", which Examiner has asserted is taught by Khanna at 2:55-60. The claim does not require anything of the amplifier.

In conclusion, regarding the claim limitation "without causing carrier leakage", Examiner would like to reassert that the prior art teaches every structural element of claims 21-24, and therefore presumably also operates without causing carrier leakage.